



CM/1631  
1/21/05

PATENT  
Customer No. 22,852  
Attorney Docket No. 04853.0074-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Kunio SHIOTA et al. ) Group Art Unit: 1631  
Application No.: 09/881,748 ) Examiner: John. S. BRUSCA  
Filed: June 18, 2001 ) Confirmation No. 8762  
For: METHOD OF IDENTIFYING CELLS )  
USING DNA METHYLATION )  
PATTERNS )

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE**  
**STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents listed on the attached IDS Form PTO/SB/08. This Information Disclosure Statement is being filed, to the undersigned's knowledge, before the mailing date of a first Office Action on the merits after the Request for Continued Examination (RCE) was filed in this case on December 22, 2004.

Each document listed in this Information Disclosure Statement was cited in a communication from the Japanese Patent Office in a counterpart foreign application, and this Information Disclosure Statement is being filed within three months of the mailing date of that communication. A copy of the communication from the Japanese Patent Office dated October 19, 2004, is enclosed.

Copies of the listed non-patent literature documents are attached. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

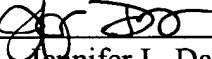
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 13, 2005

By:   
Jennifer L. Davis  
Reg. No. 54,632  
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IDS Form PTO/SB/08: Substitute for form 1449A/PTO		<b>Complete if Known</b>													
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <small>(Use as many sheets as necessary)</small>		<i>JAN 12 2005</i>	<table border="1"> <tr> <td>Application Number</td> <td>09/881,748</td> </tr> <tr> <td>Filing Date</td> <td>June 18, 2001</td> </tr> <tr> <td>First Named Inventor</td> <td>Kunio SHIOTA et al.</td> </tr> <tr> <td>Art Unit</td> <td>1631</td> </tr> <tr> <td>Examiner Name</td> <td>John. S. BRUSCA</td> </tr> <tr> <td colspan="2">Attorney Docket Number</td> </tr> </table>	Application Number	09/881,748	Filing Date	June 18, 2001	First Named Inventor	Kunio SHIOTA et al.	Art Unit	1631	Examiner Name	John. S. BRUSCA	Attorney Docket Number	
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Sheet	1	of	1												

## **U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS**

**Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004**

## **FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>

## **NON PATENT LITERATURE DOCUMENTS**

Examiner Initials <sup>a</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>b</sup>
		BIRD, "The Essentials of DNA Methylation," <i>Cell</i> , 70:5-8 (1992).	
		MELKI et al., "Concurrent DNA Hypermethylation of Multiple Genes in Acute Myeloid Leukemia," <i>Cancer Research</i> , 59:3730-3740 (1999).	
		NOSAKA et al., "Increasing Methylation of the CDKN2A Gene is Associated with the Progression of Adult T-Cell Leukemia," <i>Cancer Research</i> , 60:1043-1048 (2000).	
		PATEL et al., "Hypermethylation of the p16 <sup>Ink4a</sup> promoter in B6C3F1 mouse primary lung adenocarcinomas and mouse lung cell lines," <i>Carcinogenesis</i> , 21(9):1691-1700 (2000).	
		Notice of Rejection dated October 19, 2004, in corresponding Japanese Patent Application No. 2000-372954.	NO

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.